

# REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 14 - 19 are pending in the application. Currently, all claims stand rejected.

In the office action mailed June 10, 2010, claims 14 - 19 were rejected under 35 U.S.C. 112, second paragraph as being indefinite; claims 14, 15, and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,131,401 to Ueno et al. and U.S. Patent No. 4,285,210 to McCarty; claims 16 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno and McCarty and further in view of U.S. Patent No. 5,752,726 to Fixemer; and claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno and McCarty and further in view of JP Publication No. 2003-065616 to Sakamoto et al.

The foregoing rejections are traversed by the instant response.

With regard to the rejection under 35 U.S.C. 112, second paragraph, the rejection should be withdrawn. It is well settled that the claims are to be read in light of the specification. The terms "modified expansion valve" and "modified linear compressor" are defined terms in the specification. See paragraph 0004 of the specification. The modified expansion valve must perform two functions. It must perform expansion of a liquid. Further, it must realize a fluid

connection. In other words, it must be capable of making a fluid connection. If an expansion valve does not perform these two functions then it is not a modified expansion valve. It is not clear to Applicants why this term would not be understood by those skilled in the art given this definition. As to the Examiner's understanding as stated on page 2 of the office action, this understanding is irrelevant to what the term "modified expansion valve" means given the above definition. Similarly, a modified linear compressor as defined by paragraph 0004, must perform the primary function of compressing a gas and the secondary function of realization of a fluid connection. If an expansion valve does not perform these two functions, then it is not a modified expansion valve. Therefore, the metes and bounds of claim 14 with respect to these features would be clear to one of ordinary skill in the art.

With respect to the phrase "without a significant pressure drop" in claim 14 and "through flow without a significant pressure change is possible" in claim 19, lines 9 - 10, Applicants submit that there is nothing indefinite about these phrases. The Examiner considers the word "significant" to be a relative term, but it is not. The word "significant" has a meaning - it means "having or likely to have influence or effect" (see Merriam-Webster.com). One of ordinary skill in the art, with this definition in mind, would understand what a significant pressure drop and a significant pressure change is. Applicants submit that the second paragraph of section 112 is met by the claim language since it informs one of the metes and bounds of the claim.

Independent claim 14, as amended herein, is directed to a refrigeration installation having at least one refrigeration consumer, which includes at least one evaporator, having at least one feed line and at least one discharge line, via which a refrigerant or a refrigerant mixture is fed to the at least one refrigeration consumer and discharged from the at least one refrigeration consumer, the at least one refrigeration consumer having expansion members, wherein the expansion members comprise modified expansion valves and/or modified linear expansion machines which are moved into a working position during defrosting which allows flow to pass through the valve or machine, respectively, without a significant pressure drop, each said expansion member being connected upstream of the evaporator of each refrigeration consumer, and each said refrigeration consumer being assigned a modified linear compressor

A review of the primary reference to Ueno shows that it has several deficiencies. First, while Ueno disclose an expansion valve (15), there is no disclosure of the expansion valve being moved into a working position during defrosting which allows flow to pass through the valve without a significant pressure drop. Further, while Ueno discloses a compressor, there is no disclosure that the compressor is any type of linear compressor which is operated without oil.

With respect to the McCarty patent, it is submitted that the Examiner misapprehends this reference. McCarty in Fig. 3 discloses a defrosting circuit for an evaporator. The defrosting circuit includes a bypass 29 which is arranged in parallel to the system expansion device 27. A second by-pass line 31 is provided. Valves 37 and 39 are provided to prevent

refrigerant flow through either line 29 or line 31 during normal operation. There is no disclosure in McCarty that the expansion member 27 is a modified expansion valve and in particular a modified expansion valve which is moved into a working position during defrosting to allow flow to pass through the valve without a significant pressure drop. If the Examiner believes that McCarty contains such a disclosure, then the Examiner is requested to specifically point out where such a disclosure exists. With regard to pressure differential, McCarty in col. 6, lines 42 et seq. says that it is the valves 37 and 39 which close when a pressure differential is detected. Neither of these valves is an expansion valve. Further, there is a pressure differential during normal operation of the system. McCarty does not say that there is no significant pressure drop across the expansion device 27. Additionally, McCarty makes no mention of using a linear compressor. Still further, by providing a by-pass valve, McCarty teaches away from the present invention, which requires no by-pass valve.

Thus, even if the references were combined, they would not teach, suggest, or render obvious the subject matter of claim 14.

Claims 15 and 19 are allowable for the same reasons as claim 14 as well as on their own accord. With respect to claim 19, there is no disclosure in either reference of "during the defrosting phase of at least one of the refrigeration consumers moving at least one of the modified expansion valves and at least one of the modified linear compressors of the refrigeration consumers which are to be defrosted into a working position in which through-flow occurs without a significant

pressure change is possible." This point is not addressed in the rejection.

With regard to the rejections of claims 16 - 18, the Fixemer and Sakamoto et al. references do not cure the aforementioned deficiencies of the combination of Ueno and McCarty. Thus, these claims are allowable for the same reasons as claim 14 as well as on their own accord.

The instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicants' attorney at the telephone number listed below.

A one-month extension of time is enclosed. Please charge the extension of time fee in the amount of \$130.00 to Deposit Account No. 02-0184. Should the Director determine that a fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

Uwe Schierhorn

By/Barry L. Kelmachter #29999/  
Barry L. Kelmachter  
BACHMAN & LaPOINTE, P.C.  
Reg. No. 29,999  
Attorney for Applicant  
Telephone: (203)777-6628 ext. 112  
Telefax: (203)865-0297  
Email: docket@bachlap.com

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